

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

DOMENICA NOMINEES PTY. LTD., FRANK  
WILSON, and LUCERNE AUSTRALIA PTY.  
LTD.,

Plaintiffs,

-against-

EMERGING MARKETS INTRINSIC CAYMAN  
LTD., SRT CAPITAL SEGREGATED  
PORTFOLIO COMPANY TFC, CGO V, LLC,  
SRT CAPITAL SPC, LTD., ERIC MAASS and  
BULENT TOROS,

Defendants.

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 12/13/2016

Case No. 16-cv-09016 (VEC)(KNF)

**STIPULATION**

WHEREAS, on November 8, 2016, Plaintiff Domenica Nominees Pty. Ltd. moved the New York Supreme Court, New York County (Index No. 655875/2016) by order to show cause why a preliminary injunction should not be made and entered herein ("State Court Action");

WHEREAS, on November 11, 2016 the New York Supreme Court, Hon. Marcy Friedman (J.S.C.), entered an order setting a hearing date on the order to show cause application for November 30, 2016;

WHEREAS, on November 18, 2016 Defendants CGO V, LLC, Emerging Markets Intrinsic, Cayman Ltd., and Emerging Markets Intrinsic, Ltd. removed the State Court Action to this Court;

WHEREAS, Plaintiffs intend to renew the request for a preliminary injunction before this Court forthwith;

WHEREAS, the Parties have reached agreement to preserve the *status quo* pending a hearing on Plaintiffs' request for the entry of a preliminary injunction;

IT IS HEREBY STIPULATED AND AGREED that, between now and January 13, 2016, Defendants CGO V, LLC, Emerging Markets Intrinsic, Cayman Ltd., and Emerging Markets Intrinsic, Ltd and their affiliates, officers, managers, agents, attorneys, custodians, or nominees and any other person acting on their behalf are enjoined and restrained from taking any direct or indirect action to sell or transfer any shares or interests in TFS Corporation Ltd. held as collateral in connection with any lending agreement involving SRT Capital SPC, Ltd., Lucerne Investment Partners, Lucerne Australia Pty Ltd., or Emerging Markets Intrinsic Cayman Ltd., or Emerging Markets Intrinsic, Ltd.

IT IS FURTHER STIPULATED AND AGREED that (i) the Parties may stipulate, without the Court's approval, to extend the injunction and restraint described in the preceding paragraph beyond January 13, 2016; and (ii) if the Parties are not able to appear for a preliminary-injunction hearing on or before January 13, 2016, and if the Parties cannot agree on a stipulation to extend the injunction and restraint described in the preceding paragraph, Plaintiffs may move for a temporary restraining order pending a preliminary-injunction hearing.

IT IS FURTHER STIPULATED AND AGREED that nothing herein shall impair Defendants' rights to seek to vacate or modify this Stipulation.

CHAFFETZ LINDSEY LLP

By: /s/ Scott Reynolds  
Scott Reynolds  
Nathaniel Marmon  
1700 Broadway, 33<sup>rd</sup> Floor  
New York, NY 10019  
(212) 257-6950  
scott.reynolds@chaffetzlindsey.com  
nathaniel.marmon@chaffetzlindsey.com

*Attorneys for Defendants CGO V, LLC,  
Emerging Markets Intrinsic,  
Cayman Ltd., Emerging Markets Intrinsic,  
Ltd.*

SO ORDERED.



HON. VALERIE CAPRONI  
UNITED STATES DISTRICT JUDGE

12/13/2016

SHER TREMONTE LLP

By: /s/ Michael Tremonte  
Michael Tremonte  
Mark Cuccaro  
Justin Gunnell  
80 Broad Street, 13th Floor  
New York, NY 10004  
(212) 202-2600  
mcuccaro@shertremonte.com  
jgunnell@shertremonte.com

*Attorneys for Plaintiffs Domenica Nominees  
Pty. Ltd. and Frank Wilson*

K&L GATES LLP

By: /s/ B. John Casey  
B. John Casey  
One SW Columbia Street, Suite 1900  
Portland, OR 97258  
Tel: 503.226.5716  
E-mail: john.casey@klgates.com  
*Attorneys for Plaintiff Lucerne Australia Pty. Ltd.  
(Pro Hac Vice Pending)*

K&L GATES LLP

By: /s/ Joanna Diakos  
Joanna Diakos  
599 Lexington Avenue  
New York, NY 10022  
Tel: 212.536.4807  
E-mail: john.casey@klgates.com  
SDNY Bar No. JD/7269  
*Attorneys for Plaintiff Lucerne Australia Pty. Ltd.*